

REMARKS

The Examiner has acknowledged that the prior art fails to disclose or fairly suggest the microemulsion pH range of 8-11 (formerly presented in claim 13). Accordingly, this limitation is added to base claim 1 for allowance of the application including claims 2-12 which are directly or indirectly dependent thereon and which carry the same pH limitation. Also, claim 14 is newly presented in response to the Examiner's finding that the prior art fails to disclose or fairly suggest the aromatic oils formerly presented in claim 11.

Contrary to the assertion on lines 4-5 on page 5 of the Office Action, applicants claim that the pH of 8 in amended claim 1 is a preferred pH for microemulsions containing Metasulfurons (see specification page 2, last two lines).

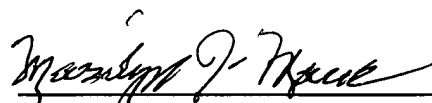
The Examiner does not deny that the disclosure of Jon is limited to the use of aliphatic oils. In Newton, the aliphatic oil droplets, together with the active component, are **co-suspended in the suspension medium** (see lines 45-56 of U.S. 5,547,918). In Jon the only oil mentioned is the aliphatic castor oil (col. 2, lines 64-65 and examples). The Office Action on page 3, lines 8-13 incorrectly indicates that Newton discloses aromatic oils when in fact at col. 6, lines 60 et seq. patentees clearly state that the oils employed in the invention are aliphatic (see also col. 2, lines 43-47). Examples of such aliphatic oils include aliphatic vegetable oils, particularly castor oil which is the same as that used in the Jon reference. Conversely applicants' composition employs aromatic oils, examples of which understandably include the aromatic species of vegetable oils. Known members of such aromatic vegetable oils include, for example cinnamon oil, thyme oil, etc. However, since these are not as abundantly available as the claimed naphthalene types, applicants have omitted them from claim 14 but retains the broader coverage of aromatic oil in claim 10. Applicants question what teaching makes it obvious to substitute patentees aliphatic oils of the references for the aromatic oil of the present invention.

SERIAL NO. 10/023,013

Finally, the references fail to disclose any of applicants' buffers which are essential elements in all of the existing claims 1-9, 12 and 14.

In view of the present amendments and the above discussion, it is believed that this application is now in condition for allowance, notice of which is courteously solicited. The present amendment may be properly entered since it reduces the number of claims, introduces no new issues and responds to the Examiner's suggestions set forth in the last paragraph on page 4 of the Final Office Action.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Marilyn J. Maue", is written over a horizontal line.

Marilyn J. Maue
Agent for Applicants
Registration No. 18,869
Tel. No. (973) 628-3544
Fax. No. (973) 628-3620